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Attorneys for Creditor
United Partnerships, LLC

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION

In re	Case No. 8:23-bk-10571-SC
THE LITIGATION PRACTICE GROUP P.C.,	Chapter 11
Debtor.	NOTICE OF SUBPOENA

[No Hearing Required]

PLEASE TAKE NOTICE that pursuant to R. Civ. P. 45(a)(4), as incorporated under Fed. R. Bankr. P. 9016, United Partnerships, LLC, through its undersigned counsel of record, David M. Goodrich, of Golden Goodrich LLP, has served the subpoena attached hereto as **Exhibit 1** in the form attached hereto on the following entity listed below:

Exhibit 1 Morning Law Group

GOLDEN GOODRICH LLP

Dated: July 30, 2024

By: /s/ David M. Goodrich
DAVID M. GOODRICH
Attorneys for United Partnerships,
LLC

Exhibit 1

UNITED STATES BANKRUPTCY COURT
Central District of California

In re The Litigation Practice Group P.C.
Debtor

Case No. _8:23-bk-10571-SC

(Complete if issued in an adversary proceeding)

Chapter 11

Plaintiff

v.

Adv. Proc. No. _____

Defendant

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT
INSPECTION OF PREMISES IN A BANKRUPTCY CASE (OR ADVERSARY PROCEEDING)**

To: Custodian of Records for Morning Law Group, P.C.
(Name of person to whom the subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

PLACE Golden Goodrich LLP 3070 Bristol Street, Suite 640, Costa Mesa, CA 92626	DATE AND TIME August 30, 2024 at 10:00 a.m.
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☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

PLACE	DATE AND TIME
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The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: July 30, 2024

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, email address, and telephone number of the attorney representing (name of party)
United Partnerships, LLC , who issues or requests this subpoena, are: David M. Goodrich,
GOOLDEN GOODRICH LLP, 3070 Bristol S., # 640, Costa Mesa, CA 92626 (714) 966-1000

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (*name of individual and title, if any*): _____
on (*date*) _____ .

☐ I served the subpoena by delivering a copy to the named person as follows: _____
_____ on (*date*) _____ ; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ .

I declare under penalty of perjury that this information is true and correct.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information concerning attempted service, etc.:

Morning Law Group, P.C.
Attn: James Armstrong, CEO, Secretary, CFO, Director,
38 Technology Drive, #1 00
Irvine, CA 92618

Morning Law Group, P.C.
c/o California Registered Corporate Agent (1505)
Agent for Service of Process
720 14th Street
Sacramento, CA 95814

Morning Law Group, P.C.
c/o James Armstrong, CEO, Secretary, CFO, Director
950 County Square Drive, Suite 104
Ventura, CA 93003

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)
(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) **Contempt.** The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

ATTACHMENT

TO SUBPOENA TO MORNING LAW GROUP, P.C.

A. DEFINITIONS

1. Unless otherwise indicated, the following definitions shall apply to the following requests for production of documents, electronically stored information, and tangible things (hereinafter, the “Document Requests”). Any term used but not defined herein shall have the meaning ascribed to such term in the California Rules of Civil Procedure and the California Rules of Evidence, as applicable.
2. The term “MORNING LAW GROUP, P.C.” or “MLG” together with all affiliated and related entities, any agents, current and/or former employees, current and/or former independent contractors, current and/or former owners, current and/or former officers, directors, managers, attorneys, accountants, or other professionals employed by, or working at the direction of, MLG.
3. The term “DEBTOR” means and refers to The Litigation Practice Group, P.C., the debtor in the bankruptcy case pending in the United State Bankruptcy Court, Central District of California, identified as Case No. 8:23-bk-10571-SC.
4. The term “CLIENT FILES” shall mean all correspondence, pleadings, deposition transcripts, exhibits, physical evidence, expert reports and other items that the DEBTOR and/or Richard A. Marshack, chapter 7 trustee, transferred to MLG pursuant to an Order Approving Motion of Trustee Richard A. Marshack for Entry of an Order (A) Approving sale, subject to overbid, of Assets Free and Clear of All Liens, Claims, Encumbrances and Interest pursuant to 11 U.S.C §363(B) and (b) Approving Assumption and Assignment of Certain Executory Contracts and unexpired Leases and other Agreements entered on the Court’s dockets on July 22, 2023, as docket number 320 in case number 8:23-bk-10571-SC
5. The term “TELEPHONE LOGS” means and refers to metadata collected from telephone or mobile phones by the DEBTOR that was transferred to MLG. This metadata may include length of calls, phone numbers of both parties, phone-specific identification information, GPS location, call proximity, and/or computer converted voice-to-text transcripts of the phone call conversations.
6. The term "COMMUNICATION LOGS" means and refers to emails, chats or other written communication logs stored on the DEBTOR's servers for the DEBTOR's clients, including any client interaction history, notes, or comments related to client accounts, that was transferred to MLG.
7. The term “DOCUMENT” shall mean any writing, as defined in § 250 of the California Evidence Code and includes the original and/or copies of handwriting, typewriting, printing, photostats, photographs, electronically stored information, and every other means of recording upon any tangible thing and form of communicating or representation, including letters, words, pictures, sounds, or symbols, or combinations of them. The term “Document” shall also include Electronically Stored Information, as defined herein.

8. The term “ELECTRONICALLY STORED INFORMATION” or “ESI” shall refer to electronically stored information and includes both active and residual ESI kept in the ordinary course of business. Residual ESI includes, but is not limited to, deleted files, overwritten files, file fragments, or other data found in ambient space on electronic storage media. Active ESI includes, but is not limited to, information readily available and accessible to computer users through existing file management programs.
9. The term “And” or “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these Requests all responses that might otherwise be construed to be outside their scope.
10. The term “Any” includes “all” and *vice versa*.
11. The term “Includes” and “Including” shall be construed to mean "without limitation" and any terms following such term are used by way of example only.
12. The use of the singular form of any word shall include the plural, and *vice versa*, as necessary to bring within the scope of the discovery request all responses and documents that might otherwise be construed to be outside its scope.

B. INSTRUCTION

1. These requests cover all documents, ESI, and other tangible things in MLG's possession, custody, or control, wherever located, including documents, ESI, and other tangible things in the possession of MLG representatives, subcontractors, officers, employees, agents, investigations, contractors, attorneys, or other persons directly or indirectly employed or retained by MLG, or anyone else acting on MLG's behalf or otherwise subject to MLG's control.

2. In responding to the requests, MLG should consult every potential source of documents, ESI, and other tangible things in MLG's possession or control, or to which MLG has access, including documents, ESI, and other tangible things in the possession of MLG's experts, consultants, and agents.

3. Where anything has been deleted or redacted from a document or ESI produced in response to a request:

- a. Specify the nature of the material deleted or redacted;
- b. Specify the reason for the deletion or redaction;
- c. Identify the person responsible for the deletion; and
- d. Indicate on the document or ESI where material has been deleted.

If ESI is redacted based on privilege, the redacted ESI should be produced in a single page TIFF format that has been processed with OCR, so that it is searchable, and all related metadata must be produced in a metadata load file.

4. If any material responsive to any of these requests was, but is no longer, in MLG possession or custody or subject to MLG control, provide the following information for each such item:

- a. Identify and describe the material;
- b. Specify whether such material is missing, lost, destroyed, or otherwise disposed, or in the possession, custody, or control of another;
- c. State the date of such loss, destruction, disposal, or other disposition of material;
- d. Explain the circumstances of such loss, destruction, disposal, or other disposition of material; and
- e. Identify the persons who authorized or have knowledge of such loss, destruction, disposal, or other disposition of material.

5. If any item (or portion of an item) is withheld from production pursuant to a claim of privilege, identify such item (or portion thereof) as privileged and state the legal and factual basis for the claim of privilege. In the case of documents or ESI as to which a privilege is asserted, state:

- a. The title of the document or ESI;
- b. The nature of the document or ESI (e.g., interoffice memorandum, correspondence, report);
- c. The author or sender;
- d. The addressee;
- e. The date of the document or ESI;
- f. The name of each person to whom the original or a copy was shown or circulated;
- g. The names appearing on any circulation list relating to the document or ESI.
- h. The basis on which privilege is claimed; and
- i. A summary statement of the subject matter of the document or ESI in sufficient detail to permit the court to rule on the property of the objection.

6. If an objection is made to any request or portion of a request, identify the request or portion thereof to which an objection is made, state the basis of the objection, and produce all items responsive to the non-objectionable portion of the request.

C. DOCUMENTS TO BE PRODUCED:

1. Any and all DOCUMENTS or ESI pertaining to CLIENT FILES in the custody or control of MLG for matters occurring during the period of March 20, 2023 to July 30, 2023, including the names, addresses, telephone numbers, and contact information.
2. Any and all TELEPHONE LOGS pertaining to CLIENT FILES in the custody or control of MLG for the period of March 20, 2023 to July 30, 2023, including all logs or recordings of customer service interactions and support calls.
3. Any and all COMMUNICATION LOGS pertaining to CLIENT FILES in the custody or control of MLG for the period of March 20, 2023 to July 30, 2023.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

3070 Bristol St., Suite 640, Costa Mesa, CA 92626

A true and correct copy of the foregoing document entitled (*specify*): **NOTICE OF SUBPOENA** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner indicated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) **July 30, 2024**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) **July 30, 2024**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

July 30, 2024

Date

David M. Fitzgerald

Printed Name

David M. Fitzgerald

Signature

TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

Kyra E Andrassy kandrassy@raineslaw.com, bclark@raineslaw.com;jfisher@raineslaw.com
Bradford Barnhardt bbarnhardt@marshackhays.com, bbarnhardt@ecf.courtdrive.com, alinares@ecf.courtdrive.com
Eric Bensamochan eric@eblawfirm.us, G63723@notify.cincompass.com
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yathida.nipha@bankruptcypower.com;michael.berger@ecf.inforuptcy.com
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